



CITY OF GLENDALE, CALIFORNIA REPORT TO THE PLANNING COMMISSION

AGENDA ITEM

Report: Appeal of Planning Hearing Officer's approval of a conditional use permit to establish a banquet hall in a Community Commercial (C2) Zone District.

Location: 707 North Pacific Avenue
Glendale, CA 91020

Legal Description: A portion of Lot B, Parcel Map Glendale No. 1314-A, per Map Book 102, Page 79 (APN 5636-016-061)

Case Number: Conditional Use Permit Case No. PCUP-003300-2024

Applicant: Araz Parseghian & Abraham Stepanian

Owner: Pacific 2017 LLC (Stergios D Rapis, Agent)

Appellant: Adam Flemming

Approved for	March 19, 2025
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ADMINISTRATIVE ACTION

Prepared by:
Alan Lamberg, Planner

Reviewed by:
Roger Kiesel, Senior Planner

SUMMARY

This is an appeal of the Planning Hearing Officer decision to approve a conditional use permit to establish a banquet hall with entertainment, subject to the standards listed in GMC Chapter 5.16, through the adaptive reuse of a former retail building, including a 1,469-SF mezzanine addition, an outdoor deck, and a drop-off/pick-up area. The project includes an Administrative Use Permit (AUP) for the on-site sales, service and consumption of alcoholic beverages and an AB-2097 parking exception to allow 50 on-site parking spaces in lieu of the required 243 on-site parking spaces. The 1.16-acre project site is in the Community Commercial (C2) Zone.

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer approved with conditions the conditional use permit request, based on affirmative findings of fact (Exhibit 6).

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1 "Existing Facilities" exemption, per Section 15301(e) of the CEQA Guidelines, because the discretionary permit request is to establish a banquet hall use, including alcoholic beverage sales and service, in an existing commercial space. The project involves a mezzanine addition that will not increase the structure's floor area by more than 2,500 square feet and is not more than 50% of the floor area of the building before the addition.

RECOMMENDATION

The Planning Commission deny the appeal and sustain the Planning Hearing Officer's decision.

If the Planning Commission is inclined to reverse the Planning Hearing Officer's decision and deny the application, staff recommends that the matter be continued for two weeks to have the City Attorney draft a motion for denial of the application.

BACKGROUND

General Information

The applicant requested a Conditional Use Permit (CUP) to establish a banquet hall in the Community Commercial (C2) Zone District, and an Administrative Use Permit (AUP) for on-site alcohol sales and service at the proposed banquet hall. The banquet hall includes a stage, dance floor, and is subject to GMC Chapter 5.16 standards for an entertainment business license. The project, as conditioned, will feature a 3,370-SF outdoor deck and a 3,000-SF drop-off area. An AB-2097 parking exception was approved to allow 50 on-site parking spaces instead of the 243 spaces required.

A banquet hall, defined by GMC Section 30.70.030, means any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of alcoholic beverages. Additionally, it may have a dance floor greater than 200 square feet. The sale, service or consumption of beer, wine, and/or other alcoholic beverages for on-premises consumption requires an approval of an administrative use permit and a license from the California Department of Alcoholic Beverage Control.

CODE REQUIRES:

Conditional Use Permit

1. Approval of a Conditional Use Permit (CUP) is required for a banquet hall in the C2 (Community Commercial) Zone (GMC 30.12.020.B, Table 30.12-A).

Pursuant to Section 30.42.030 of the Glendale Municipal Code, a conditional use permit may be granted only if the following findings of fact can be made:

- A. That the proposed use will be consistent with the various elements and objectives of the general plan.
- B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.
- C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
- D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

General Plan: Community Services Land Use Designation

Zone: Community Commercial – C2 Zone Height District II

Description of Existing Property and Uses:

Size: The project site is a 1.16-acre, irregularly-shaped corner lot. The primary frontage along Pacific Avenue is 240 feet, and the Burchett Street frontage is 275 feet.

Characteristics: The site was originally developed for residential uses that were cleared after development of the Ventura Freeway and realignment of Pacific Avenue. In 1976 the site was developed for a restaurant with a parking lot and two curb cuts. In 2017, the site changed use with new construction of a 13,688-SF retail pharmacy, including an

802-SF mezzanine. A segment of Burchett Avenue was widened for traffic circulation. The on-site parking lot has 60 spaces. Located in the Freemont Park neighborhood, the entry fronts Burchett Street. The proposed banquet hall will adaptively reuse the single-tenant commercial building addressed at 707 North Pacific Avenue. The new operator applied for building permits associated with tenant improvements to the existing retail pharmacy building.

Neighboring Zones and Uses:

	Zoning	Existing Uses
North	Low-Density Residential – R1 and Community Commercial – C2 Zones	One-and-two-story single-family residences, one-and-two-story single-and-multiple-tenant commercial buildings, two-story light manufacturing, two-story supermarket with parking lot, two-story private specialized education and training schools, and three-story multifamily buildings.
South	Moderate-Density Residential – R-3050 and Medium-Density Residential – R-1650 Zones	The State Route 134 freeway, a four-and-five-story multifamily development under construction, and a parking lot for a hotel.
East	Community Commercial – C2, Commercial Planned Development – CPD, and High-Density Residential – R-1250 Zones	A full-service restaurant, a gas station, two commercial strip malls, two-story multifamily building, two-and-six-story medical and dental office buildings, one-story single-family residences
West	Community Commercial – C2 and Low-Density Residential – R1 Zones	Two-story multiple-tenant commercial building, one-story single-family residences, two-and-three-story multifamily buildings
Project Site	Community Commercial – C2 Zone	One-story single-tenant commercial building with a mezzanine

Previous Permits for the Site:

AB-2097 Parking Exception, Case No. PAB2097-004140-2024, to allow 50 off-street parking spaces instead of the required 243 parking spaces. December 11, 2024.

Files Available for Review:

All files and exhibits relative to Conditional Use Permit Case No. PCUP-003300-2024 have been available for review in the Community Development Department – Planning Division, are available at this hearing, and by reference are hereby made part of the record.

ANALYSIS

Requested Action by the Appellant:

The appellant is requesting that the Planning Commission overturn the December 12th, 2024 Planning Hearing Officer's (PHO) decision to approve a Conditional Use Permit (CUP) Case Number PCUP-003300-2024 for a banquet hall at 707 N Pacific Ave.

Basis of the Planning Hearing Officer's Decision:

Based on staff review of the above referenced project, including its application, applicable zoning and municipal code provisions, including noise control standards, public comments and oral and written testimony received at the hearing, and all evidence submitted, the Planning Hearing Officer approved the proposed banquet hall with conditions. The PHO decision letter, attached as Exhibit 6, includes required findings and conditions of approval.

One of the conditions required removal of an outdoor patio from the plan to maintain the existing 60 parking spaces. The 60 parking spaces will be considered voluntarily provided parking, which will be noted in the file for the AB-2097 parking exception.

Planning Hearing Officer's Meeting

The hearing is available for viewing online:

<https://glendaleca.primegov.com/Portal/Meeting?meetingTemplateId=37826>

Appellant's Arguments and Staff Responses

In Part 4 ("Statement of Error") of the Conditional Use Permit appeal application (Exhibit 7), the appellant states that there were violations of law and/or procedure, the Planning Hearing Officer exceeded their authority and failed to fulfill a mandatory duty and refused to hear or consider certain facts. The appellant stated additional procedural concerns. Below is a summary of the statements made by the appellant in their application that form the basis of the appeal and staff responses to each claim.

Part 4A (Violation of Specific Provision of Law)

Appellant's Statement: The appellant asserts that the approval of the conditional use permit violates the Glendale Noise Element, adopted by the City Council on June 5, 2007, which states that "The City does not allow banquet facilities within 200 feet of a residential zone."

Staff Response: The Glendale Noise Element, Section 4.4.3: Banquet Facilities Interface with Residences (Exhibit 8), discusses potential noise issues from banquet halls and mentions that the City does not allow these facilities within 200 feet of residential zones. However, this restriction is not currently part of the Glendale Municipal Code (GMC).

In March 2002, the City Council adopted Ordinance 5305, which required a conditional use permit for "banquet halls, including parking, only if located more than 200 feet from a residential zone." A similar buffer requirement was also applied to nightclubs. In June 2006, the City Council adopted the Noise Element, which mentioned the 200 feet restriction for banquet facilities from residential zones. In September 2006, a staff report to the Planning Commission included a draft ordinance amending permitted uses for all commercial zone districts. This report removed the 200-foot restriction for banquet halls and replaced it with a table listing banquet halls by name only. The restriction for nightclubs remained. In October 2006, the City Council adopted Ordinance 5537, which eliminated the 200-foot buffer requirement for banquet facilities as a conditional use.

The City's enforceable noise control standards are found in GMC Title 8, Chapter 36 (Noise Control Ordinance), which does not include a buffer restriction for banquet facilities.

Therefore, since the restriction referred to in the Noise Element is not legally binding, the PHO did not violate any enforceable provision of law in approving the CUP.

Part 4B (PHO Exceeded Authority)

Appellant's Statement: The appellant asserts that the PHO exceeded their authority by not adhering to the Noise Ordinance, which prohibits banquet facilities within 200 feet of residential areas and allows no waivers, and further contends that the PHO did not suggest sufficient noise mitigation.

Staff Response: As previously noted, there is no rule that restricts the placement of banquet halls or facilities within 200 feet of residential areas. The appellant's claim that the PHO "did not suggest sufficient noise mitigation" does not indicate an overreach of authority. The PHO has the discretion to impose conditions as necessary to ensure a conditional use permit aligns with the intent of zoning code. According to GMC Section 30.42.020, the PHO has the authority to apply any conditions or none at all.

Part 4C (PHO Failed to Fulfill a Mandatory Duty)

Appellant's Statement: The appellant asserts that the PHO failed to fulfill a mandatory duty by not enforcing the 200-foot restriction on banquet halls and by not requiring additional noise mitigation measures.

Staff Response: As previously noted, there is no provision restricting banquet halls within 200 feet of residences. The appellant is questioning whether the imposed conditions are adequate to meet the city's standards and ensure compliance with relevant ordinances, such as the noise ordinance, claiming that the PHO did not require sufficient noise mitigation.

The project's approval conditions aim to promote a balanced environment and harmonious development while minimizing noise impact through the following measures:

- **Adherence to Noise Limits:** Complying with area noise limits and using interior insulation.
- **Removal of Outdoor Patio:** Eliminating the proposed patio to manage noise near residential areas.
- **Compliance with Noise Control Ordinance:** Ensuring construction and operation noise meets city regulations.
- **Operation Restrictions:** Regulating alcohol service, hours, entertainment, and cleanliness.
- **Security and Management:** Enforcing security and management practices to control noise.
- **Containment of Noise:** Ensuring music, lighting, noise, and odors within the establishment.
- **Limitation on Live Entertainment:** Regulating live entertainment to comply with noise control ordinance.
- **Outdoor Areas:** Closing the outdoor deck at specific times and restricting outdoor entertainment.
- **Prevention of Loitering:** Prohibiting loitering around the premises and ensuring management enforcement.

The PHO has the discretion to impose conditions to ensure that a conditional use permit aligns with public health, safety, and general welfare standards. By evaluating the project's impact and determining appropriate conditions, the PHO fulfilled their mandatory duty to meet the city's requirements.

Part 4D (PHO Refused to Consider Certain Facts)

Appellant's Statement: The appellant asserts that the PHO ignored or failed to acknowledge the appellant's comment that the Noise Element prohibits a banquet hall within 200 feet of a residential zone.

Staff Response: The PHO considered all submitted evidence, including the appellant's arguments regarding the Noise Element. The cited restriction is not contained in the Glendale Municipal Code as a regulation and cannot be enforced.

Part 4E (Insufficient Evidence to Support Decision)

Appellant's Statement: Not applicable.

Part 4F (New Evidence of Material Facts Not Previously Presented)

Appellant's Statement: Not applicable.

Part 4G (Additional Facts Related to the Appeal)

Appellant's Statement: The issue of the Noise Ordinance's application to banquet facilities was emailed to the case planner and raised during the public hearing.

Staff Response: The case planner responded to the appellant's concerns regarding noise and forwarded those comments to the PHO. The PHO was aware of the appellant's statements, both in writing and during the public hearing, where noise concerns were discussed with the applicant. The PHO considered public comments and incorporated appropriate conditions of approval in the decision letter.

Appellant's Statement: The applicant disclosed the proposed overflow parking at 516 Burchett Street late in the public hearing, limiting the opportunity for public response.

Staff Response: During the public hearing, when the applicant had an opportunity to provide a response or rebuttal to public comments, they discussed overflow parking. The applicant had received ministerial approval for an AB-2097 application, allowing the banquet hall, if approved, to provide available parking spaces on-site (currently 60) instead of the 243 required by code. The applicant testified that overflow parking at 516 Burchett Street was still under consideration, with no lease agreement obtained at the time. The discussion indicated ongoing negotiations, not a finalized component of the project. If the applicant obtains a lease agreement for overflow parking, then such a land use action will be subject to any applicable review. The appellant's assertion that the intent to secure overflow parking was revealed too late for public response does not constitute a procedural violation or overreach by the PHO. No definitive decision or approval regarding overflow parking was made, and standard procedures for public comment were followed, so there was no procedural failure or denial of public input.

Conclusion:

The appellant's arguments are based on an unenforceable statement in the City's Noise Element, rather than regulations contained in the Glendale Municipal Code. The Planning Hearing Officer adhered to proper procedures by considering public comments and imposing conditions to minimize noise, among other conditions. Therefore, based on the above analysis, the evidence in the record, and the reasoning set forth in the approval of Conditional Use Permit Case No. PCUP-003300-2024, staff recommends sustaining the Planning Hearing Officer's decision.

EXHIBITS

1. Location Map
2. Photographs
3. Reduced Plans
4. Departmental Comments
5. Planning Hearing Officer's Staff Report for Conditional Use Permit Case No. PCUP-003300-2024
6. Public Comments
7. Planning Hearing Officer's Decision Letter, Dated December 12, 2024
8. Notice of Appeal of Planning Hearing Officer's Decision to Planning Commission
9. Glendale Noise Element Excerpt